

On April 19, 2024, Benson filed a notice of appeal about the April 9 Order with the United States Court of Appeals for the Sixth Circuit. (ECF No. 10 (the “NOA”).) On August 1, 2024, the Sixth Circuit entered an order that dismissed Benson’s appeal for want of prosecution. (ECF No. 12 at PageID 30.)

Benson’s deadline to file a motion to re-open Case No. 23-2582 and submit the civil filing fee was Tuesday, May 7, 2024. (*See* ECF No. 9 at PageID 23.) Benson has not filed a motion to re-open the case and has not sought an extension of time to do so.

For these reasons, the Court DISMISSES this case with prejudice in its entirety for the reasons discussed in the April 9 Order. (ECF No. 9.) Judgment will be entered in accordance with the April 9 Order.

The Court RECOMMENDS that this dismissal should be treated as a strike pursuant to 28 U.S.C. § 1915(g). *See Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021).

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Benson would not be taken in good faith. If Benson nevertheless chooses to file a notice of appeal, Benson must either pay the entire six hundred and five dollars (\$605.00) appellate filing fee or submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)-(b).

The Clerk is directed to mark this case closed.

IT IS SO ORDERED, this 9th day of August, 2024.

/s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE